

To: Armstrong, Joan[Armstrong.Joan@epa.gov]
Cc: Jennings, Kim[Jennings.Kim@epa.gov]
From: Matthiessen, Craig
Sent: Thur 2/6/2014 2:33:52 PM
Subject: FW: Today's NY Times

Joan – the NYT editorial I mentioned. Craig

From: Matthiessen, Craig
Sent: Wednesday, January 29, 2014 9:48 AM
To: Tulis, Dana; Stanton, Larry
Cc: Kim Jennings
Subject: FW: Today's NY Times

Obviously, this isn't helpful at all. Is this the mission of the CSB now? Craig

From: Deitz, Randy
Sent: Wednesday, January 29, 2014 8:35 AM
To: Matthiessen, Craig; Jennings, Kim
Subject: Fw: Today's NY Times

You should see this too.

From: Deitz, Randy
Sent: Wednesday, January 29, 2014 8:29:38 AM
To: Stanislaus, Mathy; Breen, Barry; Stanton, Larry; Tulis, Dana
Cc: Cohen, Nancy; Levine, Carolyn; Brooks, Becky
Subject: Fw: Today's NY Times

Forwarding CSB Op Ed.

From: Shore, Berry
Sent: Wednesday, January 29, 2014 7:57:27 AM
To: Mosher, Eric; Kodama, Doug
Cc: Levine, Carolyn; Deitz, Randy; Kodama, Doug; Daloia, James; McGowan, Michael; Siegel, Joseph; Mugdan, Walter
Subject: Today's NY Times

The Next Accident Awaits

By RAFAEL MOURE-ERASO

JAN. 28, 2014

NY Times, OP ED

WASHINGTON — THE United States is facing an industrial chemical safety crisis. The horrifying chemical spill that recently contaminated the drinking water of hundreds of thousands of people in West Virginia is the latest in a relentless series of disasters and near-misses across the country.

It is clear to me, as chairman of the independent federal agency charged with investigating industrial chemical accidents, that urgent steps are required to significantly improve the safety of the nation's chemical industry — an industry vital to our economy, yet potentially dangerous to those who live near the thousands of facilities that process or store hazardous chemicals.

Those facilities include ones like the Chevron refinery in Richmond, Calif., where aging, corroding pipes resulted in a huge fire in August 2012, and the fertilizer plant in West, Tex., where stores of ammonium nitrate exploded last year and laid waste to a large part of the town, killing more than a dozen people.

Sifting through chemical-plant rubble from catastrophic accidents year after year, our board has long called on regulators to require — and for industry to adopt — what is known as inherently safer technology. By this, we mean using safer designs, equipment and chemicals, minimizing the amounts of hazardous chemicals stored and used, and modifying and simplifying processes to make them as safe as practicable.

While there is now, at last, a strong current within industry to adopt this safer technology as a best practice, many still oppose any actual regulatory requirements, arguing they are too costly and prescriptive. We can't wait for corporations to volunteer, because the accidents continue, often with devastating consequences.

What we need is comprehensive regulatory reform. But achieving safety reforms is complicated and time-consuming. In the interim, the Environmental Protection Agency should step in and use its power under the Clean Air Act's general duty clause to compel chemical facilities to take steps to make their operations inherently safer. The law assigns owners and operators of these facilities a general duty to identify hazards, design and maintain safe facilities and minimize the consequences of leaks. The E.P.A. should follow up by adopting specific regulations to meet those goals.

Twelve years ago, the E.P.A.'s administrator, Christine Todd Whitman, proposed regulations that would have encouraged producers and users of high-risk chemicals to find safer alternatives or processes.

But her proposal stalled in the face of strong opposition from American companies, which are already required to use safer technologies and other risk reduction methods at their European operations. (Insurance data indicate that losses from refinery accidents, for instance, are at least three times lower in Europe than in the United States.) In 2012, Ms. Whitman urged the agency to use the Clean Air Act to require safer technology "before a tragedy of historic proportions occurs."

The E.P.A. said recently that it was considering such an approach. The agency's own National Environmental Justice Advisory Council has urged it to issue new rules to reduce the "danger and imminent threat" posed by chemical plants, manufacturing and transport. Across the nation, an estimated 13,000 facilities store or process chemicals in amounts hazardous enough to endanger the public, according to the E.P.A.

But that estimate understates the dimensions of the problem. For example, the West Virginia facility implicated in the recent spill, which stored chemicals used in the coal industry, would not fall under criteria used by the agency to come up with its estimate.

Recent Comments

David Underwood

9 hours ago

If you want better regulation of any industry, you need the voters to ask for it. We see in the West Virginia chemical spill, what the voters...

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Consider how a requirement forcing safer practices and technologies might have prevented the three accidents I've mentioned.

The Chevron refinery would have been required to replace aging, corroded pipes with safer corrosion-resistant material that almost certainly would have prevented the rupture that endangered 19 workers caught in the initial vapor cloud, not to mention the smoke plume that sent 15,000 Bay Area residents to hospitals. The refinery industry accident rate overall is unacceptably high.

1 Comment

The agricultural chemical company in West, Tex., would have used safer storage practices and safer fertilizer blends, and kept far less ammonium nitrate on site. The

lives of more than a dozen firefighters and residents might have been spared, and the widespread damage to homes, schools, a nursing home and other structures would not have occurred.